



# STATE MINING AND GEOLOGY BOARD

## EXECUTIVE OFFICER'S REPORT



ARNOLD  
SCHWARZENEGGER  
GOVERNOR

For Meeting Date: December 11, 2008

**Agenda Item No. 11:** Approval for Site Closure, Adobe Road Borrow Pit (CA Mine ID #91-52-0039), Ladd and Associates (Operator), Craig Wiseman (Agent), City of Red Bluff.

**INTRODUCTION:** The State Mining and Geology Board (SMGB) is the lead agency pursuant to the Surface Mining and reclamation Act of 1975 (SMARA) for the City of Red Bluff.

### **STATUTORY AND REGULATORY REQUIREMENTS:**

Article 5 Public Resources Code (PRC) Section 2773.1(c) states:

*"Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the lead agency, which shall be forwarded to the operator and the director, that reclamation has been completed in accordance with the approved reclamation plan..."*

The SMGB's regulations, Article 11 California Code of Regulations (CCR) Section 3805, provide requirements for the release of a financial assurance, and states:

*"(a) Prior to the modification of a financial assurance amount, or to the release of the financial assurance instrument to which both the lead agency and the Department of Conservation are co-beneficiaries under Public Resources Code section 2773.1, the lead agency shall provide to the director of the department the following documents at one time:*

*(1) An inspection report, prepared by a qualified person as provided for in Public Resources Code section 2774, indicating that there are aspects of the surface mining operation that require modification of the existing financial assurance amount, or stating that the mined land has been reclaimed in accordance with the approved reclamation plan, and that there are no aspects of the reclaimed surface mining operation that are inconsistent with the meaning of reclamation as defined in Public Resources Code section 2733, and the Surface Mining and Reclamation Act of 1975, Chapter 9, commencing with section 2710.*

*(2) A revised financial assurance cost estimate prepared by the operator and accepted by the lead agency, or prepared by the lead agency, in accordance with Public Resources Code section 2773.1, with supporting*



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*documentation, indicating the specific cost changes to the existing financial assurance amount, or indicating that there are no further outstanding reclamation liabilities to be included in the financial assurance.*

*(3) A statement by the lead agency, with supporting documentation that may include the most recent inspection report and any geological and engineering reports prepared as part of the inspection report, that the mined land remains subject to a financial assurance as modified, or that the mined land has been reclaimed in accordance with the approved reclamation plan, that there are no outstanding reclamation liabilities, and recommending to the director that the financial assurance be released.*

*(b) The director shall have 45 days from the date of receipt of the documents to review and comment on them as provided for in Public Resources Code section 2774, and to conduct the director's own inspection of the surface mining operation if the director determines it necessary under Public Resources Code section 2774.1, and do one of the following:*

*(1) Notify the lead agency of the director's concurrence that the modified financial assurance amount is adequate, or that there are no outstanding reclamation liabilities on the mined land and that the original financial assurance should be released pursuant to Public Resources Code section 2773.1, at which time the financial assurance shall be released; or,*

*(2) Notify the lead agency that the director has found, based upon an inspection, aspects of the surface mining operation that require additional modifications to the financial assurance amount, or aspects that are not in compliance with the approved reclamation plan and the Surface Mining and Reclamation Act of 1975; or,*

*(3) Commence the financial assurance forfeiture process under Public Resources Code section 2773.1."*

**BACKGROUND:** On March 14, 2002, the State Mining and Geology Board (SMGB) approved a reclamation plan, environmental documents, and a financial assurance for the Adobe Road Borrow Pit, CA Mine ID #91-52-0039, operated by Ladd and Associates, in the City of Red Bluff. The SMGB is the lead agency under the Surface Mining and Reclamation Act (SMARA, Public Resources Code (PRC) Section 2710 et seq.) for mines within the City of Red Bluff's jurisdiction because the City does not possess a SMGB-certified mining ordinance.

The purpose of the borrow pit was to provide fill material for the construction of a highway interchange between Adobe Road and Federal Interstate Highway 5, and was part of a CalTrans (California Department of Transportation) project. Approximately 10.8 acres of land adjacent to the interchange construction project were excavated to a depth of 15 feet, removing about 95,000 cubic yards of fill material.



The site was to be reclaimed as “open space” readily adaptable for an automobile dealership and other commercial developments. The final site configuration was to be in accordance with grading permits issued by the City of Red Bluff; this has been accomplished.

Construction of the interchange was completed in late 2002 and site reclamation commenced. Primary reclamation and grading activities were completed by the end of 2002 and additional reclamation activities continued throughout 2003. A SMGB inspection of the site in December, 2004 performed pursuant to PRC Section 2774 found that approximately 6 acres had been completely reclaimed according to the approved Reclamation Plan, and that construction activities for the newly permitted (May, 2004) car dealership were beginning in some places. A new Landscape and Planting Plan was approved by the City of Red Bluff in June, 2004. This new Landscape and Planting plan superseded the designs in the Reclamation Plan, and became the responsibility of the land owner (car dealership).

On June 1, 2005 the City of Red Bluff informed the SMGB office that it was satisfied with the car dealership’s Landscape and Planting Plan, and that the City had no issues with the SMGB completing its process to release the operator, Ladd and Associates, from their obligations set forth in the approved reclamation plan.

At its April 10, 2008, regular business meeting, the SMGB made note that required oak tree plantings along the southwestern perimeter of Area I (car dealership parcel) had survived the winter season. As a result, the SMGB indicated that should the oak tree plantings prove successful upon inspection in the fall of 2008, the site would be considered for closure.

In accordance with the approved reclamation plan, a total of 38 oak trees were required to be planted on the site, and a survival rate of 50 percent (19 oak trees) must be demonstrated in order to meet set performance standards. On November 21, 2008, SMGB staff performed an annual inspection of the site. At least 21 living oak trees were observed at time of inspection, and therefore it is the findings of the inspector that the site appeared to be in compliance with revegetation requirements of the approved reclamation plan.

**EXECUTIVE OFFICER RECOMMENDATION:** The Executive Officer recommends that the SMGB find that the Adobe Road Borrow Pit Site has been reclaimed and developed for an alternate use in accordance with the approved reclamation plan, and meets the requirements of permits issued by the City of Red Bluff, and is no longer subject to the requirements of SMARA.



**SUGGESTED MOTION LANGUAGE:**

To approve site closure:

*Mr. Chairman, in light of the information before the State Mining and Geology Board today, I move that the Board determine that the Adobe Road Borrow Pit has been reclaimed and developed for an alternate use in accordance with the approved reclamation plan, and meets the requirements of permits issued by the City of Red Bluff, and no longer is subject to the requirements of SMARA.*

Respectfully submitted:

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Stephen M. Testa  
Executive Officer

